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STATE PROCUREMENT OFFICE
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS

1. TO: Chief Procurement Officer
2. FROM: DOT/Airports Division/Kauai District

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:

Services to obtain fingerprint based criminal history background record checks from the American Association of Airport Executives (AAAE) Transportation Security Clearing House for all airport employees and tenants who require unescorted security clearance or who perform their duties within the "sterile" areas of the airport.

4. Name of Vendor: American Association of Airport Executives

Address: 601 Madison Street, Suite 400
Alexandria, VA 22314

5. Price:

\$1200.00

6. Term of Contract: 4/1/10 *105*
From: 3/22/10 To: 6/30/10

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: The U.S. Department of Homeland Security endorses the services provided by AAAE and mandated that airport operators conduct criminal history record checks for all individuals who perform duties in the airport's sterile area or have unescorted access to the airport's security identification display area (Aviation Security Directive 1542-04-08G). The \$30.00 fee is broken down as follows: \$22.00 to the FBI for conducting the criminal history background check; \$ 3.00 to the U. S. Office of Personnel Management (OPM) for its services; \$ 2.00 to the AAAE for processing, accounting and other administrative expenses; and \$ 3.00 for the Security Threat Assessment (STA) for initial and any changes to individual's name or status.

*(see below)

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The AAAE is comprised of various airlines and airports who become paying members of this organization. The organization was developed to lobby the federal government to keep airline and airport cost down. There are no reasons to believe that another entity would be able to provide such an affordable, accurate and timely service at this time. The AAAE is the only non-government agency that performs this function. As stated in Exemption 08-152-C, AAAE is not able to supply the State with the document required under Section 103D-310, HRS. An exemption from that requirement is also included in this request.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
Purchase orders will be issued on a quarterly basis following our Department's procurement delegation.

*8. (con't.) Furthermore, in accordance with Aviation Security Directive 1542-04-08G, airport operators must submit fingerprints for each individual who is applying for or performs duties in the sterile areas to the Transportation Security Clearing House, except for individuals who have already successfully completed a fingerprint-based criminal history records check. Using the AAAE's services greatly reduces airports costs and improves turnaround times to obtain security clearances for personnel who are required to obtain a security clearance.

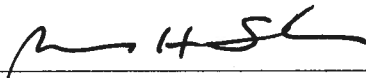
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:		
Name	Position	Involvement in Process
Brennon Morioka	Director of Transportation	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Brian Sekiguchi	Deputy Director-Airports	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
George N. Crabbe, III	Airport Manager, Kauai District	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
Scott Sagum	Airport Security Manager	<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration
		<input type="checkbox"/> Approval <input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Transportation Contact Name: George N. Crabbe, III Phone Number: 808-274-3805 Fax Number: 808-241-3939
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Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*


 Department Head

3/29/10
 Date

Reserved for SPO Use Only	
15. Date Notice Posted <u>4/12/2010</u>	
The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to: <div style="margin-left: 150px;"> Chief Procurement Officer State Procurement Office P.O. Box 119 Honolulu, Hawaii 96810-0119 </div>	
Chief Procurement Officer's comments: <div style="margin-top: 20px;"> <p>This approval is for April 1, 2010 through June 30, 2010 for Kauai District based on the department's statement that it is the Federal Transportation Security Administration's directive that requires the DOT to use this contractor for these services. This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. Department is reminded that procurements \$2,500 or more are required to be posted on the Procurement Reporting System.</p> </div>	

16. ☒ **APPROVED** ☐ **DISAPPROVED** ☐ **NO ACTION REQUIRED**

 5/11/2010
 Chief Procurement Officer Date